

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53579 of 2021

Arising Out of PS. Case No.-115 Year-2021 Thana- KOTWALI District- Munger

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SUMAN KUMAR @ SUNNI SON OF SANJAY SHARMA @ SANJAY KUMAR SHARMA RESIDENT OF VILLAGE- MANIYARCHAK SILHAPUR POST- NAWAGARHI, P.S.- NAWAGARHI, DISTRICT- MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Deep Nishi, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Kumar Kamal Nayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 05-07-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 366 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 28.02.2021 at 4:30 am her daughter aged about 26 years had gone to offer prayer at a temple but thereafter she did not return and on search she could not be traced thus on the basis of suspicion alleges that her daughter must have been kidnapped by the petitioner with an intention to marry.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the victim is a major aged about 26 years and petitioner is a young boy of 23 years, they were in love, they eloped for marrying and went to Bangalore and there they even performed marriage. Learned counsel further submits that thereafter the petitioner came to know that he has been falsely implicated in the present case as such he came along with the victim to the police station and left her at the police station and went away. It is further submitted that thereafter the parents of the victim also came and got the statement of the victim recorded under Section 164 Cr.P.C. wherein she has stated that she had gone with the petitioner to Bangalore and stayed there for sometime and thereafter the petitioner forcefully married with her and after marriage the behavior of the petitioner changed and as such she does not want to stay with him. Learned counsel thus submits that from bare perusal of the statement of the victim under Section 164 of the Cr.P.C. it would manifest that the victim under parental pressure has made such statement, it is also submitted that it absolutely does not stand to reason that the victim, a 26 years old woman if would have been subjected to torture or any kind of misbehavior then definitely



she would have raised alarm when she was staying in Bangalore but she nowhere in her statement under Section 164 of the Cr.P.C. had even remotely stated that she was confined by the petitioner in Bangalore at any point of time. Learned counsel for the petitioner in support of his contention also produces photographs of the petitioner and the victim which is kept on record and from perusal of the same it manifests that the relationship between the two appears to be cordial.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner that the victim nowhere in her statement under Section 164 of the Cr.P.C. has remotely suggested that at any point of time in Bangalore she was confined and that the victim is a major aged about 26 years.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/successor court in connection with Kotwali P.S. Case
No. 115 of 2021 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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